

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5382 of 2016

Bolwa Ram, S/o. Parmeshwer Uraon, Aged About 34 Years, R/o. Village - Keval, P.S. Ranka, District - Garhwa, (Jharkhand).

---- Applicant

Versus

State Of Chhattisgarh, Through : Police Station- Chalgali, District- Balrampur - Ramanujganj (Chhattisgarh).

---- Respondent

For Applicant : Mr. A.K.Yadav, Advocate

For Respondent : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14.09.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.24/2004 registered at Police Station Chalgali, Distt. Balrampur-Ramanujganj (C.G.) for the offence punishable under Section 395 of Indian Penal Code and 25, 27 of Arms Act.
2. As per the prosecution case, the applicant alongwith other co-accused on 01.06.2004 has looted the Bus bearing No. M.P. 18 5995.
3. Learned counsel for the applicant would submit that the other three co-accused Vinay Kumar, Ramji Tirkey and Vishnu Panika were tried and they were acquitted on 29.10.2005. The applicant was out of station to earn his livelihood and he has surrendered on 18.04.2016 and as such no case is made out against the applicant considering the fact that the other co-accused have been acquitted, therefore, he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the order. Considering the fact that the applicant was absconding after commission of crime from 2004 and he was apprehended on 18.04.2016, further considering the nature of allegation and the fact that the applicant was absconding for such a long period, grant of bail to the applicant would defeat the principle of bail itself, therefore, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge